



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/589,527 | 08/15/2006 | Yasuhiro Kagamihara | 3400.P1435US | 8693 |

23474 7590 01/16/2008
FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

| |
|----------|
| EXAMINER |
|----------|

THERKORN, ERNEST G

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1797

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

01/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,527

Applicant(s)

KAGAMIHARA ET AL.

Examiner

Ernest G. Therkorn

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 102(B) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231. Patent and Trademark Office translation PTO 08-1230 will serve as a translation of JP 7-303832 and are viewed as a single reference. Patent and Trademark Office translation PTO 08-1231 will serve as a translation of JP 8-29404 and are viewed as a single reference. The claims are considered to read on each of JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231. However, if a difference exists between the claims and each of JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231, it would reside in optimizing the elements of each of JP 7-303832 in view of Patent and Trademark Office

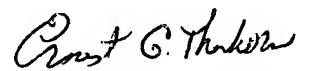
translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231. It would have been obvious to optimize the elements of each of JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231 to enhance separation.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over each of JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231 in view of either JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or Okamoto (U.S. Patent No. 5,679,572). At best, the claim differs from each of JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231 in reciting chemically bonding. A fair reading of pages 2 and 3 of Patent and Trademark Office translation PTO-1230 would indicate that it is desirable to bond a polysaccharide to a carrier. Okamoto (U.S. Patent No. 5,679,572) (column 1, lines 25-46) discloses that bonding overcomes the problem of poor solvent resistance. It would have been obvious to chemically bond in each of JP 7-303832 in view of Patent and Trademark Office translation PTO 08-1230 or JP 8-29404 in view of Patent and Trademark Office translation PTO-1231 in view of either JP 7-303832 either because a fair reading of pages 2 and 3 of Patent and Trademark Office translation PTO-1230 would indicate that it is desirable to bond a polysaccharide to a carrier or because Okamoto (U.S. Patent No. 5,679,572) (column 1, lines 25-46) discloses that bonding overcomes the problem of poor solvent resistance.

The remarks urge that examining the additional invention would not be a serious burden on the examiner. However, the additional searching and different issues of patentability would be an enormous burden on the examiner. As such, the restriction requirement and the election of species have been reconsidered, deemed proper, and made final for the reasons of record.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ernest G. Therkorn
Primary Examiner
Art Unit 1797

EGT
January 14, 2008